

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-081028
	:	TRIAL NO. C-08CRB-10423
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CHARESE WILLIAMS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Charese Williams was convicted of criminal damaging² and now argues in a single assignment of error that the conviction was contrary to the manifest weight of the evidence. We affirm.

Marquell Dawson provided childcare in her home. She received compensation for this by accepting vouchers distributed by the Hamilton County Department of Jobs and Family Services. For nine months prior to the incident in this case, Dawson had been providing childcare for Williams's children. On the evening of March 31, 2008, Dawson informed Williams that she could no longer watch Williams's children because Williams had no more vouchers for payment. Eventually, the situation escalated, the police were called, and Williams left.

Several hours later, Dawson heard a noise coming from outside her house. Dawson testified that she had seen Williams beating Dawson's car with a shovel. Dawson testified that she had had no problem identifying Williams as the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² R.C. 2909.06.

perpetrator. Dawson's daughter testified that she had also seen Williams hitting the car, and that Williams had left when she discovered that she had been seen. A woman who testified that she was Williams's best friend said that Williams had been with her when the incident happened.

After a trial to the bench, Williams was convicted of criminal damaging. She was sentenced to 30 days in jail, half of which were suspended. She was placed on probation and ordered to pay restitution.

Williams now argues that the conviction was against the manifest weight of the evidence. The standard for determining whether a conviction was against the manifest weight of the evidence is whether the trier of fact clearly lost its way and created a manifest miscarriage of justice.³

On appeal, Williams argues that the state's witnesses could not identify her as the perpetrator, and that the only identification testimony was that the perpetrator had a hairdo similar to that of Williams. But this is an inaccurate characterization of the testimony. Both Dawson and her daughter testified that they had known Williams for nine months, that the area where the car had been damaged had been lit, and that they had no trouble identifying Williams. While Dawson did say that Williams had been "wearing the same ponytail that she ha[d] in her hair," this was not the only reason Dawson named Williams as the person who had damaged her car. In fact, trial counsel neither cross-examined the witnesses regarding their identification testimony, nor did he argue in closing that his client had been misidentified. Williams's theory of the case at trial was that the witnesses were lying because of a personal dispute between them.

³ See *State v. Thompkins*, 78 Ohio St.3d 380, 386-387, 1997-Ohio-52, 678 N.E.2d 541.

After reviewing the testimony presented at trial, we conclude that the trial court did not lose its way or create a manifest miscarriage of justice. Therefore, we overrule Williams's sole assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., SUNDERMANN and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on November 18, 2009

per order of the Court _____
Presiding Judge